IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20402 of 1994

Between:

Rajam Kullayappa, S/o. Mutyallappa, aged 66 years,
Business, R/o. Kamalanagar, Ananthapur.

..... PETITIONER

AND

1 The District Collector, Ananthapur.
2 The Revenue Divisional Officer, Ananthapur.
3 Sri Siddanna, S/o. Venkatappa, aged about 72 years,
residing at Papampet, Ananthapur District.
4 Sri Narayana, Revenue Divisional Officer,
Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or orders or writ more particularly one in the nature of Writ of Mandamus directing the respondents 1 and 2 to refer the dispute under Sec.30 of Land Acquisition Act, 1894 to the court of competent jurisdiction on the rival claim for compensation for the lands situated at Papampet Village of Ananthapur District, in S.No.110-1B and further declaring the action of the 2nd respondent as malafide,illegal and arbitrary.

Counsel for the Petitioner: Mr.C.KODANDA RAM

Counsel for the Respondent Nos.1,2 &4 : G.P. for Land Acquisition.

Counsel for the Respondent No.3: MR.V.VENKATARAMANA

The Court made the following :

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O R D E R:

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Heard both sides.

This writ petition is filed against the Award passed in Award No.1/94-95, dated 15.03.1994 with regard to S.No.110/1B in an extent of 1.41 cents of land at Pampapet Village, Anantapur District, wherein the 2nd respondent passed orders without looking into the claim objection filed by the petitioner and rejected his claim. It is the case of the petitioner that though the Ryotwari Patta granted in favour of the 3rd respondent does not contain S.No.110-1B, the 2nd respondent passed orders in favour of the 3rd respondent. Aggrieved by the same, the petitioner made an application before the Land Acquisition officer to refer the matter to the competent Civil Court under Section 30 of the Land Acquisition Act, 1894 and the same is still pending. Hence, this writ petition.

In the counter affidavit filed by the respondents herein it is stated that though notice was served on the petitioner, he has not turned up for award enquiry and as the land

in question is a Government land, the registration of Government land becomes null and void. As there was no rival claim, there is no necessity to refer the matter to the Civil Court.

Taking into consideration the fact that no attempt was made by the respondent authorities to refer the matter to the competent civil Court for deciding the title in respect of the properties, the writ petition is allowed directing respondents 1 and 2 to refer the mater under Section 30 of the Land Acquisition Act to the competent Civil Court to decide the matter. No costs.

12.08.2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Twelfth day of August Two Thousand and Four.

ASSISTANT REGISTRAR

To

1. The District Collector, Ananthapur District, Ananthapur.
2. The Revenue Divisional Officer, Ananthapur District, Ananthapur.
3. Two C.Cs. to the Government Pleader for Land Acquisition, High Court Buildings, Hyderabad (O.U.T.).
4. Two C.D. copies.